

UNITED STATES DISTRICT COURT
for the
Southern District of Texas

United States of America)
v.)
Juan Antonio RIVERA Gonzalez) Case No. 7:19-MJ-0723
YOB: 1990 - COB: Mexico)
)
Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 12/24/2018 in the county of Hidalgo in the Southern District of Texas, the defendant violated Title 18 U. S. C. § Section 922g(5)(A), an offense described as follows:

Juan Antonio RIVERA Gonzalez did knowingly possess a firearm, namely a: Instanbul Silah / Baco Inc., model: SXP, 20 gauge shotgun bearing serial number: 12AZT07128 that had previously traveled in and affected interstate commerce, while being an alien illegally or unlawfully in the United States

This criminal complaint is based on these facts:

SEE ATTACHMENT A

Continued on the attached sheet.



Complainant's signature

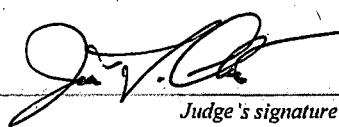
Alexander Estrada, ATF Special Agent

Printed name and title

Approved by Robert Guerra
Sworn to before me and signed in my presence.



Date: 3/30/19 - 10:56 a.m.



Judge's signature

City and state: McAllen, Texas

Juan F. Alanis, U.S. Magistrate Judge

Printed name and title

ATTACHMENT A

I, Alexander Estrada, being duly sworn, do hereby state that I am a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), a Division of the United States Department of Justice, and have been so employed since January of 2016. As a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives, I am vested with the authority to investigate violations of Federal laws, including Titles 18 and 26 of the United States Code (U.S.C.).

This affidavit is in support of a criminal complaint charging Juan Antonio RIVERA Gonzalez hereinafter referred to as "RIVERA" with the criminal violation as follows. The evidence available to me demonstrates that there is probable cause that RIVERA has violated Title 18 U.S.C. Section 922(g)(5)(A) which provides as follows:

It shall be unlawful for any person to possess a firearm and ammunition that had previously traveled in and affected interstate commerce, while being an alien illegally or unlawfully in the United States.

On March 27, 2019, your Affiant received information regarding RIVERA and his purchase of a 20 gauge shotgun at a local Federal Firearms Licensee in Edinburg, Texas on December 24, 2018.

On March 29, 2019, your Affiant interviewed RIVERA at the ATF McAllen III Office in McAllen, Texas. Post Miranda, RIVERA admitted to purchasing the firearm on December 24, 2018, and taking possession of the firearm shortly after the purchase.

When asked about his (RIVERA's) status to be in the United States, RIVERA stated that he was in the United States under DACA (Deferred Action for Childhood Arrivals) and that he held an Employment Authorization card.

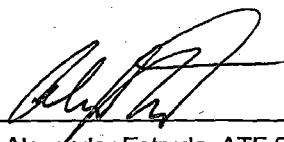
Later, your Affiant spoke to a Homeland Security Investigations (HSI) Special Agent who determined that RIVERA, under DACA (Deferred Action for Childhood Arrivals), does not have legal status to be in the U.S. and by Federal law is prohibited from possessing firearms and or ammunition.

Later on the same date, your Affiant spoke with an ATF Special Agent, who is a recognized Interstate Nexus Examiner and provided him with the ATF Form 4473 attributed to RIVERA's purchase of a 20 gauge shotgun. The ATF Form 4473 was examined for purposes of determining classification under Title 18 U.S.C. Chapter 44 and whether the Istanbul Silah / Baco Inc., model: SXP, 20 gauge shotgun bearing serial number: 12AZT07128, moved in interstate or foreign commerce. Relative to the date and place of firearm manufacture, and based solely on the ATF Form 4473, the ATF SA Interstate Nexus Examiner determined that the above listed weapon is a firearm under the definition of Chapter 44, Title 18 U.S.C. Section 921(a)(3) and was manufactured outside the State of Texas, after the year 1898.

AO 91 (Rev. 2/09) Criminal Complaint

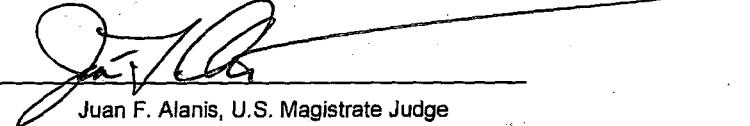
ATTACHMENT A

Based on the above information, on December 24, 2018 RIVERA was in possession of the Instanbul Silah / Baco Inc., model: SXP, 20 gauge shotgun bearing serial number: 12AZT07128 in violation of Title 18, United States Code, Section 922(g)(5)(A).



Alexander Estrada, ATF Special Agent

Sworn to before me and subscribed in my presence,



Juan F. Alanis, U.S. Magistrate Judge